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**BZA-1841**  
**TIPPECANOE SCHOOL CORPORATION & TIPPECANOE**  
**COUNTY NSE08 SCHOOL BUILDING CORPORATION**  
**Variance**

**STAFF REPORT**  
**January 19, 2012**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, represented by attorney Joe Bumbleburg, is requesting the following three sign variances for McCutcheon High School:

1. To permit 128.131 sq. ft. of total signage instead of the maximum permitted 37.5 sq. ft. (UZO 4-8-5);
2. To allow a freestanding sign height of 13.41' instead of the maximum permitted 12'; (UZO 4-8-6) and
3. To permit an area of 87.9 sq. ft. for a single freestanding sign instead of the maximum permitted 30 sq. ft. (UZO 4-8-6)

on property located at 4951 Old US 231 S, Wea 18 (SE) 22-4.

**AREA ZONING PATTERNS:**

McCutcheon is zoned R1, Single-family Residential and is mostly surrounded by residential zoning districts: R1 to the north and east, R1A and R1 to the south, R1B and R1 to the west. GB zoning exists catty-corner from the high school property to the southwest, and Flood Plain zoning associated with the Wea Creek is farther to the east.

Other than three front setback variance cases heard in surrounding subdivisions (two in Prairie Oaks and one in Mayflower Mill) over the past 20 years, there has not been much BZA activity in the area. No previous sign variances have been heard for the site in question.

**AREA LAND USE PATTERNS:**

The high school is surrounded on three sides by single-family subdivisions; there are woods bordering Wea Creek to the east past the football stadium.

Currently there are two fascia signs on the building: "McCutcheon High School" is shown in individual lettering facing the old highway, and a second sign stating "McCutcheon Mavericks" is located over the doorway facing the main parking lot. A few small freestanding signs that indicate parking and other site regulations are located in key areas. These incidental signs, although they have the high school's name on them, are not legible from off-site and do not count towards the total amount of signage permitted on site.

## **TRAFFIC AND TRANSPORTATION:**

Old US 231, though no longer a federal highway, is still classified as a rural primary arterial by the County *Thoroughfare Plan*.

Old US 231 makes up the only street frontage available to McCutcheon. (Because having multiple street frontages permits a property to have more total signage, this fact when considering allowable sign totals, can be seen as a detriment.)

## **STAFF COMMENTS:**

According to the ordinance, this use (an institutional use in the R1 zone) on this particular site is permitted a total of 37.5 square feet of signage. This is determined by beginning with a base rate of 20 square feet, multiplied by 1.5 because of the 40 MPH speed limit of the street it is located on, then multiplied by 1.25 because of the distance the building is setback from the highway. According to petitioner's calculations, the building's existing two fascia signs total 40.231 square feet, already exceeding the maximum signage permitted. The new sign petitioner would like to install is a freestanding LED sign of 87.9 square feet which would bring the total amount of signage to 128.131 square feet, necessitating the first variance request.

It should be noted that LED signs that allow running copy and even video to be shown are not permitted to be used in that way by the ordinance (as Jefferson High School learned after installation of a similar sign). If the face of the sign changes more often than once per minute, it is considered an "animated sign" which is not allowed in Tippecanoe County in any zone except CB.

The maximum height of a freestanding sign for an institutional use in the R1 district is 12'. Although no reason is given, petitioner is requesting a height of 13.41'. Staff can find no hardship that needs to be overcome by adding 1.41' to the maximum allowable height of a sign and finds the request completely unnecessary.

The third request is to allow a bigger freestanding sign than the ordinance permits. A freestanding sign of 30 square feet is what the ordinance allows on a road with a speed limit of 40 MPH. Petitioner's proposed LED sign is 87.9 square feet in area.

Staff agrees that the 37.5 square feet of allowable signage is too little for a building as large as a high school. The two existing fascia signs that total 40.231 square feet, although they exceed the permissible amount, are quite modest and tasteful. Staff also believes having a freestanding sign in front of the building would be entirely fitting and not unusual for a school; however not in the size and height requested. A 12' tall freestanding sign of 30 square feet would be allowed under the ordinance; a variance allowing total signage of 70.231 square feet (the existing 40.231 square feet plus a freestanding sign of 30 square feet) could be supported by staff.

Regarding this case, the Area Plan Commission unanimously voted that the sign ordinance be strictly adhered to.

Regarding the ballot items:

1. The Area Plan Commission on January 18, 2012 determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion that:

2. Granting these variances **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The requests for additional signage and a taller freestanding sign would not create a safety issue; no sign setback variance is being requested so the traveling public would not be negatively affected.
3. Use and value of the area adjacent to the property included in the variance requests **WILL NOT** be affected in a substantially adverse manner. None of the signage variances requested would adversely affect the neighboring single-family subdivisions.
4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. A high school is an "institutional use" that requires a larger land area and building than many other institutional uses, which in turn might necessitate more signage for identification purposes than the ordinance allows. However, there is no situation present that makes a larger freestanding sign necessary, nor a sign height 1.41 feet taller than the ordinance provides.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. While staff could support a total signage variance of 70.231 square feet to overcome the hardship of a large institutional use being allowed only 37.5 square feet of signage; staff cannot support a freestanding sign of 87.9 square feet and a 1.41' height variance. The site enjoys excellent visibility on a primary arterial; a freestanding sign of 30 square feet, 12 feet in height, would adequately serve petitioner's purposes.

**Note:** Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. It is self-imposed because a 30 square foot freestanding sign with a height of 12' could be installed; the property has no hardship that needs overcoming with a taller and larger freestanding sign.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship. There is no hardship necessitating a freestanding sign area and height variance. A total sign area variance of 70.231 square feet would provide minimum relief.

#### **STAFF RECOMMENDATION:**

1. To permit 128.131 square feet of total signage – denial (if amended to 70.231 square feet – staff recommends approval)
2. To allow a freestanding sign height of 13.41' – denial
3. To permit an area of 87.9 square feet for a single freestanding sign – denial.